

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
(916) 263-0916 Phone  
(916) 263-0959 Fax  
Email: [cbssc@dgs.ca.gov](mailto:cbssc@dgs.ca.gov)

Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE 15-DAY NOTICES DATED JUNE 16, 2011**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: JUNE 30, 2011**

Date: June 30, 2010

From: Michael Wolfe

  
(Signature)

Scientific Certification Systems  
Name (Print or type)

Agency, jurisdiction, chapter, company, association, individual, etc.

2000 Powell St, Suite 600 Emeryville CA 94608  
Street City State Zip

I/We **Do Not** agree with:

[ ☒ ] The Agency proposed modifications As Submitted on Section No. A4.405.3, A5.405.3, and A5.405.4

and request that this section or reference provision be recommended:

[ ☐ ] Approved [ ☐ ] Disapproved [ ☐ ] Held for Further Study [ ☒ ] Approved as Amended

**Suggested Revisions to the Text of the Regulations:**

"...If the manufacturer does not separately identify the pre-consumer and post-consumer recycled content of a material but reports it as a total single percentage, ~~one-half~~ all of the total shall be considered pre-consumer and ~~one-half~~ none shall be considered post-consumer recycled material."

**Reason:** Health and Safety Code §18930, 4. the proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

There is no scientific basis for assuming the 50%/50% pre and post-consumer balance in any way reflects reality. SCS has over 15 years experience certifying recycled content claims. Nothing during this time has indicated it is even remotely possible to develop such a ratio. Products vary widely in both the availability of feedstock and maximum amount of recycled content that can be incorporated into a product before performance is compromised. SCS certifies to its own leading standard for recycled content, which is based on ISO Guides 14020, 14021, 14024, and the Federal Trade Commission Guides for the Use of Environmental Marketing Claims.

The standard auditing protocols used by SCS and other certifying bodies calls for the classification of material that cannot with certainty be verified as post-consumer, default to classification as pre-consumer.

## **HEALTH & SAFETY CODE SECTION 18930**

### **SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS**

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
  - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
  - (3) The public interest requires the adoption of the building standards.
  - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
  - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
  - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
  - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
    - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
  - (8) The format of the proposed building standards is consistent with that adopted by the commission.
  - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.